

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**CHARLES A. PEARSON, AIS 182691,)
Plaintiff,)
vs.) **CASE NUMBER: 2:06-CV-828-MEF**
K.L. BYRD, et al,)
Defendants,)**

MOTION TO CONTINUE

COMES NOW Christopher G. Gruhn, a defendant in the instant case (hereafter, "Officer Gruhn"), and moves this Honorable Court to enter an Order continuing this case from its present trial setting of June 23, 2008, and as grounds therefore, shows unto the Court the following:

1. The undersigned counsel has just been retained by Officer Gruhn to participate in his defense, and needs time to review the proceedings and posture of the case, and prepare for trial.
2. The undersigned further believes that a Motion to Dismiss the remaining claim against Officer Gruhn may be appropriate. Again, the undersigned needs additional time to determine the appropriate course of action to effectively defend Officer Gruhn.
3. No prejudice will inure to any side by a continuance of this case, to be reset in due course.

WHEREFORE, premises considered, defendant Christopher G. Gruhn moves the Court to continue the trial of this case from the June 23, 2008, trial setting, to be re-set in

due course, and further, defendant moves this Court to issue a revised scheduling order in light of a new trial setting.

Respectfully submitted this the 10th day of June, 2008.

s/ Scott W. Gosnell
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CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of June, 2008, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will provide notice to the following CM/ECF participants, **Wallace D. Mills**;

and I hereby certify that I have also mailed by United States Postal Service the document to the above-named non-CM/ECF participant:

Charles A. Pearson, Jr.
AIS 182691 (H01-086A)
St. Clair Correctional Facility
1000 St. Clair Road
Springville, Alabama 35146-5582

s/Scott W. Gosnell
OF COUNSEL